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and Jane Doe 2*

20 SAGE HUMPHRIES, GINA MENICHINO,
ROSEMARIE DeANGELO, DANIELLE
GUTIERREZ, JANE DOE 1,
and JANE DOE 2

21 Plaintiffs,
22 vs.

23 MITCHELL TAYLOR BUTTON and
DUSTY BUTTON,

24 Defendants.

25 Case Number: 2:21-cv-01412-ART-EJY

26 **JANE DOE 1 AND BOIES SCHILLER
FLEXNER LLP'S MOTION TO SEAL**

1 **NOTICE OF MOTION AND MOTION**

2 PLEASE TAKE NOTICE that upon the accompanying Memorandum of Law, Jane Doe
3 1 and Boies Schiller Flexner LLP will move this Court for an order sealing certain exhibits to
4 Jane Doe 1 and Boies Schiller Flexner LLP's opposition to Defendants' motion for Rule 11
5 sanctions, pursuant to the Protective Orders entered in this case at ECF Nos. 53 and 166.

6

7 Dated: July 3, 2023

8

9 BOIES SCHILLER FLEXNER LLP

10 _____
11 /s/ Sigrid S. McCawley
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34 Danielle Gutierrez, Jane Doe 1,
35 and Jane Doe 2*

MEMORANDUM OF LAW

On March 11, 2022, the Court granted Jane Doe 1’s motion to proceed anonymously, noting that her allegations “portray events of the most intimate nature”. ECF No. 39 at 5. On June 13, 2022, the Court entered a protective order again protecting Jane Doe 1’s identity, which states in pertinent part,

This protective order does not alter the requirements of District of Nevada Local Rule 10-5, which requires that papers filed with the court under seal be accompanied by a motion for leave to file those documents under seal. **If any party wishes to use any document containing Plaintiff's identity, or other personally identifying information that would lead to the discovery of Plaintiff's identity, in a court filing or proceeding in this action, they shall either (a) redact Plaintiff's name and other personally identifying information or (b) file a motion to seal pursuant to District of Nevada Local Rule 10-5.**

ECF No. 53 ¶ 4 (emphasis added). Accordingly, Jane Doe 1 and Boies Schiller Flexner LLP (together, “Movants”) respectfully request to file **Exhibit A** under seal, which is excerpts from Jane Doe 1’s deposition transcript. For the reasons outlined in Jane Doe 1’s motion to proceed anonymously, public disclosure of Jane Doe 1’s identity would cause her extreme and irreparable damage. *See* ECF No. 27.

Movants also respectfully request to file **Exhibit L** under seal, which is excerpts from the deposition transcript of a third-party witness (designated as confidential under the protective order) who has not publicly disclosed her identity in this litigation and who was sexually abused by Defendant Taylor Button as a minor child. *See ECF No. 166 ¶ 5(d)* (permitting designation of the “names of alleged minor victims of sexual abuse, other than those plaintiffs who have chosen to use their names in this action”); *see also e.g., Jordan v. Gardner*, 986 F.2d 1521, 1525 n.4 (9th Cir. 1990) (noting the “tradition of not revealing names of the victims of sexual assault”); *Doe No. 2 v. Kolko*, 242 F.R.D. 193, 195 (E.D.N.Y. 2006) (“[S]exual assault victims are a paradigmatic example of those entitled to a grant of anonymity”).

Finally, **Exhibits E, F, G, and H** were produced by third-party Urbanity Dance and were marked confidential. Today, Plaintiffs' counsel contacted counsel for Urbanity Dance to

1 obtain its position on whether these materials can be filed on the public docket, but Urbanity
 2 Dance has not yet indicated its position on sealing. Movants therefore respectfully request that
 3 the Court provisionally permit the filing of Exhibits E through H under seal until such a time
 4 as Urbanity Dance can either make an application for permanent sealing or confirm whether it
 5 objects to these materials being filed on the docket without redaction. *See* ECF No. 166 ¶ 12
 6 (“[I]n filing Confidential Discovery Material with this Court . . . The Parties shall file an
 7 unredacted copy of the Confidential Court Submission under seal with the Clerk of this Court.”).

CONCLUSION

9 For the reasons set forth above, Jane Doe 1 and Boies Schiller Flexner LLP request that
 10 the Court grant the foregoing Motion to Seal.

11 Dated: July 3, 2023

12 Respectfully Submitted,

13 /s/ Sigrid S. McCawley
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1 *Danielle Gutierrez, Jane Doe 1,*
2 *and Jane Doe 2*

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1 **CERTIFICATE OF SERVICE**

2 The undersigned hereby certifies that the foregoing Motion to Seal was served on July
3 3, 2023 via the Court's CM/ECF electronic filing system addressed to all parties on the e-service
4 list.

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7 /s/ *Shari Ginsberg*
Shari Ginsberg, an employee of
Boies Schiller Flexner LLP

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